

1 Honorable Benjamin H. Settle
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IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

NATHEN BARTON,

Plaintiff

v.

LEADPOINT INC., & RELIANCE FIRST
CAPITAL LLC

Defendants.

CASE NO. 3:21-cv-05372-BHS

DECLARATION OF PLAINTIFF
NATHEN BARTON IN SUPPORT
OF PLAINTIFF'S MOTION FOR
RECONSIDERATION OF ORDER
GRANTING ATTORNEYS FEES

14 My name is Nathen Barton and am a party to this action. I am over the age of eighteen,
15 and otherwise competent to be a witness in this matter. Except as expressly set forth herein, I
16 make this declaration in my personal capacity and based on my personal knowledge.

17 1. I met Diana Bartolme ("Diana") on a backpacking trip somewhere around late
18 August to September 2021.

19 2. In conversations with Diana, my TCPA litigation came up and I mentioned how
20 difficult it had been to learn how to react to illegal telemarketers. I mentioned that I hoped that
21 one day I might be able to pass on what I had learned to others.

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1 3. Diana told me that she was experienced in marketing and building websites and
2 said that I should put what I have learned on a public website. She offered to build a website for
3 free on the subject of TCPA.

4 4. I demurred because I knew that would take time and it wasn't something I wanted
5 someone to put a lot of time into without them getting something in return. Diana said that she
6 was an independent contractor and that she would use the website to show potential clients her
7 abilities and that she is how she would benefit.

8 5. At the time she started creating the website, I informed Diana that I had no specific
9 plan to do anything with a website. She said she would create a template website and while she
10 was doing that, I could be thinking about how the website could be useful.

11 6. In or about either November or December of 2021, Diana informed me that her
12 work on the website was winding down, and she asked me to figure out what I wanted to do with
13 it. However, I had decided I didn't have the time or interest in doing anything with the website,
14 and I asked Diana to take it down.

15 7. At the time I asked Diana to take down the website, I had no idea anyone other than
16 myself and Diana had seen it. As far as I know, the website never offered any actual product or
17 service and never had any actual information about anything. I do not believe the website ever
18 listed contact information for me. I never saw or received any emails, electronic messages, or
19 telephone calls from anyone asking about the website or any services.

20 8. I did *not* ask or allow Diana to put a quotation allegedly by me that: "I have been
21 taking telemarketing companies like this to court one phone number at a time, resulting in
22 enormous compensation for the damages. I'm talking several tens of thousands of U.S. dollars . .
23 . and it keeps coming."

24 DECLARATION OF NATHEN BARTON
IN SUPPORT OF PLAINTIFF'S MOTION
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1 9. I have no knowledge that the website ever included the statement: "I have been
2 taking telemarketing companies like this to court one phone number at a time, resulting in
3 enormous compensation for the damages. I'm talking several tens of thousands of U.S. dollars . .
4 . and it keeps coming." Had I seen such a statement on the website, I would have asked Diana to
5 remove it.

6 10. I was not involved in creating the website. Diana never gave me access to add or
7 remove anything from the website. I do not know how to create websites and I did not develop or
8 create content on the website. Diana never asked me to work on the website and I never offered
9 to.

10 11. I did not hire Diana to prepare the website and never paid her for any work.

11 12. The website was never hosted on computer servers I paid for or had control over.

12 13. It is my understanding that to this day she continues to own and control all the
13 content on the website.

14 14. I continue to have no control over the content of the website.

15
16 I declare under penalty of perjury under the laws of the State of Washington that the
17 foregoing statements are true and correct.

18
19  6/10/2022
/s/ Nathen Barton

6/6/2022

Signed in Camas, Washington

Signed by Nathen Barton

Date

Clark County

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DECLARATION OF NATHEN BARTON
IN SUPPORT OF PLAINTIFF'S MOTION
FOR RECONSIDERATION OF ORDER
GRANTING ATTORNEYS FEES - 4 / 4

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